



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hisashi ICHIMURA et al.

Serial No. 09/902,256

Filed July 11, 2001

**ANIMAL FIBER SUPERIOR IN
SHRINK PROOFING AND METHOD
FOR PREPARATION THEREOF**

: ATTN: BOX RCE

: Docket No. 2001-0969

: Group Art Unit 1751

: Examiner Preeti Kumar

: Confirmation No. 8989

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ACCOUNT NO. 23-0975

REPLY TO ADVISORY ACTION

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

This is in reply to the Advisory Action dated April 17, 2003.

**Attention is directed to the fact that the fee for the first month extension (\$110.00)
was paid on March 31, 2003.**

In the Advisory Action, it is stated that the instant claim (17) recites an animal fiber having scales and being oxidized to a specific degree. The Advisory Action further states that the evaluation of fibers is based solely on the observation of scales, water repellency and the existence of an epicuticle layer. The Advisory Action concludes that the Declaration is not commensurate in scope with the material limitations in the claims.

In reply, it is pointed out in detail how the prior art i.e. Hojo et al. (US 5,824,113) peels off keratin layers such as the epicuticle layer and exocuticle layer and in consequence of this as well as other factors, it is concluded that Hojo's invention cannot achieve water repellency i.e. because the keratin layers are removed and the surface of the fibers are hydrophilic.

This very large difference between the present claims and Hojo is enough to rebut any *prima facie* case of obviousness and this conclusion is reinforced by the Rule 132 Declaration of record.

In the paragraph bridging pages 2 and 3 of the Advisory Action, it is stated that it is not seen how the present invention is novel or different over non-treated wool fiber. In reply, apart from what has been stated above, it is apparent that non-treated wool fiber is not oxidized yet and the present claims require oxidation. See, for example, claims 23 to 28.

Moreover, claims 17 to 28 require a specified degree of oxidation and ensuring shrinkproofing etc. in addition to the water repellent property that the animal fiber originally possessed.

Under these circumstances, it is apparent that the rejection under prior art is untenable and should be withdrawn.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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